

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Saint Paul District

FILE NUMBER: MVP-2004-161619

PROJECT MANAGER: Dale J. Pfeiffle

PROJECT REVIEW/DETERMINATION COMPLETED: In the office? Y ☐ N ☒ **Date:** January 14, 2005
At the project site? Y ☐ N ☐ **Date:**

PROJECT LOCATION INFORMATION:

State: **Wisconsin**

County: **Waukesha**

Center coordinates of site by latitude & longitude: **43.034811255N, 88.2990901426W**

Approximate size of site/property (including uplands) in acres: **65**

Name of waterway or watershed: **Upper Fox, Illinois, Wisconsin**

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands		X							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ Or Approved: ☒

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ADDITIONAL INFORMATION SUPPORTING njd (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite): **A wetland delineation report was received at the Waukesha Office for jurisdictional review and concurrence. The wetland delineation report identified two wetland complexes on a 65-acre project site. The first wetland, approximately 1.5 acre in surface area, is confined within a closed depression. A review of the USGS Hartland quadrangle, a local Waukesha IMS topographic map, a 2000, 1990, 1980, and 1970 SEWRPC air photo, and the Waukesha County soil survey verified that this wetland lacks a surface water connection and adjacency to a water of US. The local topographic map shows the delineated is confined to a mapped closed depression. In addition, a connection between the wetland and interstate commerce could not be established.**

The second wetland, approximately 15-acres in surface area, is adjacent to Pebble Creek, a tributary to the Fox River, a navigable water of the US and is therefore subject to Corps Section 404 jurisdiction.

The parcel is under consideration for the development of a residential subdivision. Potential wetland impacts were not identified.